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Docket No.: CN0201USNA

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REMARKS

Reconsideration is respectfully requested of the Office position. Claims 1-3 and 5-13 are under consideration.

In the present amendment claim 1, the sole independent claim has been amended to recite the specific composition of the first and second particles. antecedent support is present on page 7, line 6 and for the first particles and page 7, lines 15 and 25 for the second particles. Also, a typographical error for molecular weight has been corrected with antecedent on page 5, line 7. Claim 8 has been amended to recite a basis for percentages with support present on page 6, lines 29-30 and line 33. Claim 11 is new and recites the composition of the first particles with antecedent support present on page 7, lines 9-11. Claims 12 and 13 are new and recite the composition of the second particles with antecedent support present on page 7, line 25.

Paragraphs 1 and 2 of the Office communication set forth objections to claims 1, 8, and 9. These claims have been amended to remove the informalities in conformance with the Office position.

Paragraph 4 sets forth a 35 USC 102(b) rejection of claims 1-4 and 5-10 based on Makino et al USP 4,229,238. The Office communication sets forth in detail the disclosures of this publication.

In response claim 1, the sole independent claim, has been amended to recite the first particles are mineral while the second particles are selected from the group consisting of mineral and polymer. As set forth on page 1, line 7 uses of the present invention (in polymerized form) include kitchen countertops and wall surfaces.

In contrast to the requirements of the first and second particles of the present claim 1, Makino et al. USP 4,229,328 require conductivity in additive materials, which the Office communication equates to the particles of the present invention. Makino et al. is directed to an electrically conductive resin composition wherein conductivity is imparted due to the particles. Replacing these particles of Makino et al. with the requirements of the particles of claim 1 would destroy conductivity and be contrary to the requirements of this publication. Accordingly, Makino et al. has no relevance to claim 1 and the remaining claims which are dependent thereon.

Paragraph 4 of the Office communication sets forth rejections under 35 USC 102(b) or 35 USC 103(a) based in Okuno et al. (Okuno) USP 5,281,633.

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This publication is immediately not relevant for several reasons. The first mineral particles of claim 1 and all remaining claims lie outside the scope of Okuno. The second particles which are mineral and/or polymeric likewise lie outside the scope of Okuno.

Since Okuno's use is directed to obtaining a glossy, transparent article (Abstract), it is considered unobvious to one of ordinary skill in the art to substitute or add other particles having the composition and size distribution of the present claims.

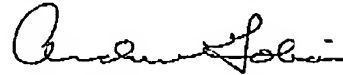
Removal of all grounds of rejection is requested.

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In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,



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